

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 04-2237

JEFFREY THOMAS FARMER,

Plaintiff - Appellant,

versus

STEVEN BERRYMAN,

Defendant - Appellee.

Appeal from the United States District Court for the Eastern
District of North Carolina, at Raleigh. Terrence W. Boyle,
District Judge. (CA-04-691-1)

Submitted: November 4, 2004

Decided: November 9, 2004

Before WILKINSON, MOTZ, and DUNCAN, Circuit Judges.

Dismissed by unpublished per curiam opinion.

Jeffrey Thomas Farmer, Appellant Pro Se. Kari Russwurm Johnson,
CRANFILL, SUMNER & HARTZOG, L.L.P., Raleigh, North Carolina, for
Appellee.

Unpublished opinions are not binding precedent in this circuit.
See Local Rule 36(c).

PER CURIAM:

Jeffrey Thomas Farmer seeks to appeal the district court's order transferring the case to another district court. We dismiss the appeal for lack of jurisdiction because the notice of appeal was not timely filed.

In a civil case, the notice of appeal must be filed no more than thirty days after the entry of the district court's order, Fed. R. App. P. 4(a)(1)(A), unless the district court extends the appeal period under Fed. R. App. P. 4(a)(5) or reopens the appeal period under Fed. R. App. P. 4(a)(6). This appeal period is "mandatory and jurisdictional." Browder v. Director, Dep't of Corr., 434 U.S. 257, 264 (1978) (quoting United States v. Robinson, 361 U.S. 220, 229 (1960)).

The district court's order was entered on the docket on July 30, 2004. The notice of appeal was filed on August 31, 2004, or one day beyond the thirty day appeal period. Because Farmer failed to file a timely notice of appeal or to obtain an extension or reopening of the appeal period, we dismiss the appeal. We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before the court and argument would not aid the decisional process.

DISMISSED